



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 25, 1998

Ms. Katheryn H. West  
Assistant City Attorney  
Criminal Law and Police Division  
Office of the City Attorney  
Municipal Building  
Dallas, Texas 75201

OR98-2868

Dear Ms. West:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 120728.

The Dallas Police Department (the "department") received a request for the department's "Inventory Search Procedure or Police Manual." You claim that the requested information is excepted from disclosure under sections 552.107 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(b) excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if . . . release of the internal record or notation would interfere with law enforcement or prosecution[.]" When section 552.108(b) is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how releasing the information would interfere with law enforcement. Open Records Decision No. 434 at 3 (1986). Whether disclosure of particular records will interfere with crime prevention must be decided on a case-by-case basis. Attorney General Opinion MW-381 (1981). You state that

[t]he requested bulletins specifically outline inventory and search procedures proscribed by the Dallas Police Department. If this information were disclosed to the public, it would enable certain individuals to safeguard certain assets from search and seizure, thus hindering the detention and prevention of criminal offenses, as well as the state's ability to build a strong case against a suspect.

After reviewing the submitted material, we agree that some of the requested information may be withheld from disclosure under section 552.108(b)(1) because its release would interfere with law enforcement or prosecution. We have marked the information that the department may withhold.

Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.* We conclude that you may withhold the documents we have marked from public disclosure under section 552.107. The remaining information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 120728

Enclosures: Marked documents

cc: Ms. Judy Lewis  
1714 Sanger Ave.  
Dallas, Texas 75215  
(w/o enclosures)